

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Harleysville Insurance Company,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	
Martin Construction, Inc., et. al.,)	Case No. 1:11-cv-011
)	
Defendants.)	

Plaintiff Harleysville Insurance Company (“Harleysville”) and Defendants Martin Construction, Inc. and Kurt Martin (hereinafter collectively referred to as “Martin Construction”) have filed cross-motions for summary judgments. The motions have been fully briefed.

At the parties request, the court entered an order in May 2012 stating that it was holding its ruling in abeyance pending the North Dakota Supreme Court’s ruling in K&L Homes, Inc., v. Family Mutual Insurance Co. The North Dakota issued its decision in K&L Homes on April 5, 2013. This court subsequently issued an order advising that it was taking the parties’ motion under advisement.

On May 22, 2013, Harleysville filed a motion to submit supplement briefs addressing the substantial developments in this case along with the effect the North Dakota Supreme Court’s decision in K&L home impacts this case. That same day Martin Construction filed a response in opposition on the grounds that Harleysville had not shown good cause to submit additional briefs and otherwise hinted at what these substantial developments might be.

Having reviewed the parties respective submissions, the court is inclined to permit the parties to submit supplemental briefs to address the legal effect of the K&L decision. Accordingly, the court

GRANTS Harleysville's motion (Docket 53). Harleysville has until June 28, 2013, to file a supplemental brief no longer than seven (7) pages in length. Martin Construction has until July 12, 2013, to file a responsive brief no longer than seven (7) pages in length.

IT IS SO ORDERED.

Dated this 19th day of June, 2013.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court